

**MINUTES
CORRECTIONS STANDARDS AUTHORITY MEETING
THURSDAY, NOVEMBER 18, 2010
600 BERCUT DRIVE
SACRAMENTO, CA 95811
(916) 445-5073**

Meeting held at: Corrections Standards Authority, 660 Bercut Drive, Sacramento, CA 95811

The meeting commenced at 1:05 p.m.

Secretary Matthew Cate welcomed everyone to the November 18, 2010 Corrections Standards Authority (CSA) meeting.

Ms. Pargas called roll.

The following members were in attendance:

Secretary Cate	Ms. Bates	Dr. Silbert	Mr. Crowder
Mr. Kernan	Ms. Penner	Ms. Biondi	Ms. Mello
Ms. Silva	Ms. Arnold	Ms. Epps	Ms. McBrayer
Ms. Minor	Mr. Ingrassia	Mr. Adams	

ABSENCE OF BOARD MEMBERS

Ms. Pargas announced that Mr. Prieto, Mr. Baca, and Ms. Campbell had prior commitments. There was a quorum.

Ms. Rives introduced Rosa Pargas as the point of contact for all CSA Board related issues. She will also provide Board agenda packets to all Board Members for their use during the Board meetings and will continue to email the Board Agenda in advance of the meeting. She also noted that Agenda Item J Attachment D had been revised and that the revised document had been provided to each Board Member.

She also announced that Emily Sipchen and Tiffany Wynn were appointed as youth members to the State Advisory Committee on Juvenile Justice Delinquency Prevention in October.

Secretary Cate welcomed Ms. Pargas.

CONSENT AGENDA ITEMS

APPROVAL OF THE MINUTES OF THE SEPTEMBER 9, 2010 MEETING

(AGENDA ITEM A)

APPROVAL OF THE MINUTES OF THE NOVEMBER 3, 2010 MEETING

(AGENDA ITEM B)

2011 CSA MEETING SCHEDULE

(AGENDA ITEM C)

PROBATION OFFICER CORE COURSE REVISION PROJECT

(AGENDA ITEM D)

TRIBAL YOUTH GRANT AWARD RECOMMENDATIONS

(AGENDA ITEM E)

SB 81 LOCAL YOUTHFUL OFFENDER REHABILITATIVE FACILITIES
CONSTRUCTION FINANCING PROGRAM – REDUCTION IN 20 PERCENT RETENTION

(AGENDA ITEM F)

SB 81 LOCAL YOUTHFUL OFFENDER REHABILITATIVE FACILITIES
CONSTRUCTION FINANCING PROGRAM REGULATIONS REVISION

(AGENDA ITEM G)

AB 900 2007 LOCAL JAIL CONSTRUCTION FUNDING PROGRAM REGULATIONS
REVISION

(AGENDA ITEM H)

Secretary Cate asked for a motion to accept the consent calendar agenda items A, B, C, D, E, F, G, and H.

Ms. McBrayer called attention to Agenda Item D, Probation Officer Core Course Revision Project. The State Advisory Committee on Juvenile Justice and Delinquency (SACJJDP) is extremely pleased to partner with probation on core for the first time to offer DMC training.

Ms. McBrayer also called attention to the Tribal Youth Grant. A lot of work has been put in on the youth side. The California formula was \$2,008 which is very hard to RFP. However, the SACJJDP has contributed over \$480,000 to the application process and is excited that the tribes in Del Norte and Tulare counties have applied and are recommended for approval. She thanked the Department of Education and others who have helped to make this happen.

A motion to approve the Consent Calendar was made by Ms. McBrayer and seconded by Ms. Silbert. The motion carried.

Ms. Bates abstained from the vote.

DISCUSSION AGENDA ITEMS:

MINIMUM STANDARDS FOR TRAINING, TITE 15, SUBCHAPTER 173, CALIFORNIA CODE OF REGULATIONS – REQUEST TO BEGIN REVISION PROCESS

(AGENDA ITEM I)

This agenda item was presented by Barbara Fenton. It was a request to begin the rule making process to update the STC Title 15 Regulation for the Probation Officer Core Course so that the required hours reflect the recommendations from the Probation Officer Core Course Revision Project.

Staff requested approval of the draft regulation revision to the Probation Officer Core Course, that the Board direct staff to proceed with the rule making process and to begin the public hearing process, and that the Board appoint a CSA Board Member as chair for the upcoming hearings. Staff recommended that Kimberly Epps and Cleotha Adams be appointed as chairs for the upcoming public hearings.

Secretary Cate asked for a motion.

A motion to approve the staff recommendations was made by Ms. Silbert and seconded by Ms. McBrayer. The motion carried.

There was no public comment.

FY 2009-2010 STC COMPLIANCE MONITORING AND PROGRAM STATUS REPORT

(AGENDA ITEM J)

This agenda item was presented by Evonne Garner who presented the statistical analysis and compliance results of the 2009/2010 training year. In addition, this agenda item requested Board approval of 83 findings of Substantial Compliance for local agencies.

The Standards and Training for Corrections, or STC Division, is responsible for the implementation of selection and training standards for local corrections agencies. Participation in the STC program is voluntary and those agencies who choose to participate receive access to the STC selection exams, standards for core and annual training, technical support and guidance, and annual subvention funding to offset the cost of meeting STC's selection and training standards.

In the 2009/2010 training year, there were 174 participating agencies – 165 of which are local correction agencies and 9 are community correctional facilities or CCFs. This is 6 fewer than the prior year due to the closures of four CCFs, and the withdrawals of the Bar "O" Boys Ranch, which was incorporated into the Del Norte County Probation Department, and the Palm Springs Police Department, which closed its jail.

Within those participating departments there are 33,665 participating staff including administrators, managers, supervisors, and line staff. In the training year, those personnel received over 1.2 million hours of STC certified training. And selection exams were administered for 11,605 job applicants.

During the months of July through September, STC conducted on-site monitoring of the 174 participating agencies. In total 77 were found to be in Full Compliance, 85 were in Substantial Compliance and 12 agencies were Out of Compliance.

A finding of Full Compliance means that an agency has met its STC training obligation 100%. 77 agencies were found in Full Compliance.

A finding of Substantial Compliance means that an agency did not fully meet its training obligation but there were mitigating circumstances that were considered by STC. Agencies receive a finding of Substantial Compliance if they meet any of the following criteria:

1. An employee's significant unanticipated leave at the end of the fiscal training year made it impractical to complete the required training
2. An employee was absent from work for 6 months or more within the fiscal training year
3. There was a personnel problem involving an employee but the participating agency took positive steps to correct the issue
4. There was an innocent error such as a record-keeping error or data entry error, or
5. The ratio of staff in non-compliance to the total number of staff is insignificant and the non-compliance occurred despite the agency's due diligence.

As a result of applying these criteria, 85 agencies are recommended for Substantial Compliance. Of those, 83 are local agencies and require Board approval of the Substantial Compliance finding. CCFs are excluded from this requirement because they do not receive subvention funding.

A finding of Out of Compliance means that an agency failed to achieve 100% compliance and there is no justification for Substantial Compliance. There were 12 participating agencies that were found Out of Compliance. Of those, seven are local agencies and five are CCFs.

The mandatory sanctions adopted by the Board for local agencies found to be Out of Compliance are:

- For the first year of non-compliance, a notice of non-compliance is sent to the Department Head and Chief Administrative Officer, the agency is required to submit a detailed annual training plan and written corrective action plan, STC provides quarterly on-site technical reviews, and the agency continues to receive its quarterly funding allocations.
- For the second year of non-compliance, the sanctions remain the same as the first year but the funding is distributed at the end of the quarter instead of the beginning in order to allow STC time to review agency compliance with the approved training plan.

- If an agency is out of compliance for a third consecutive year, it becomes ineligible to participate in the STC program for one year.

Of the seven local agencies found in non-compliance, five are in their first year of Out of Compliance and two are in their second year of Out of Compliance. In accordance with STC policies and procedures, all of the Out of Compliance agencies have already submitted a Corrective Action Plan to remedy the identified problems.

In summary, this training year continues the declining rate of Out of Compliance findings over the past five years and is the lowest Out of Compliance rate since 2001. Throughout the state, only 14 local agency staff failed to receive core or annual training requirements. This represents significantly less than one percent of the 33,665 participating staff who are required to meet those standards.

Staff recommended the Board approve the 83 findings of Substantial Compliance for local participating agencies.

Dr. Silbert was concerned that the punishments for non-compliance in training should be raised. As a former trainer, she recognizes the importance of training and believes that two years of non-compliance is a long time to go without the proper training. She believes that a lack of training leads to a lack of best practices.

Ms. Garner noted that a lot of the problems with non-compliance were involving a lack of available core courses which lead to increased difficulty in fulfilling STC requirements.

Ms. Epps noted that for an agency with 30 or fewer STC eligible positions, all staff are included in the sample where only ten percent are included for an agency with 31 to 1,999 positions. She believed it was a harsh standard to withhold funds for one or two staff not being in compliance.

Ms. Penner reiterated that this was a remarkably compliant year for training and that the counties are getting the required training done despite an environment where there is a lack of hiring, difficulty in finding core courses, and counties are not able to pay the costs associated with the travel to attend training.

Mr. Kernan inquired into what the sanctions would be for Mendocino County and the San Leandro Police Department who are both in their second year of non-compliance.

Ms. Garner stated that they had already submitted corrective action plans, which have been approved, and that they are submitting quarterly reports which are being reviewed by their Field Representatives. They receive their quarterly allotment at the end of the quarter to allow the Field Representative to recognize any difficulty the counties might have so the non-compliance does not carry over to the third year. She affirmed that STC is committed to working with the agencies in order to ensure that they remain in the program. The sanctions put in place, along with the diligence of the department, have prevented any agency from ever going into the third year of non-compliance.

Mr. Kernan noted that the CCFs do not have sanctions and seem to be the most out of compliant agencies.

Ms. Garner stated that a report is sent to CDCR every year, which informs them on what is going on with their CCFs.

Dr. Silbert inquired into who gets the CCF reports at CDCR.

Secretary Cate answered that there is an Undersecretary in charge of those agencies and that he receives the report. Training requirements are a part of the CCF's contract terms with CDCR and contracts could be terminated. Four CCFs have been dropped lately and although it has not happened, there is the potential for that to happen.

Secretary Cate requested a motion.

A motion to approve the staff recommendations was made by Ms. Mello and seconded by Mr. Kernan. The motion carried.

Dr. Silbert opposed the motion.

There was no public comment.

**SB 81 LOCAL YOUTHFUL OFFENDER REHABILITATIVE FACILITIES
CONSTRUCTION FINANCING PROGRAM UPDATE – ADDITIONAL FUNDING
(AGENDA ITEM K)**

This agenda item was presented by Charlene Aboytes. The 2007 Budget Act, signed by Governor Arnold Schwarzenegger in August 2007 included funding to implement the Local Youthful Offender Rehabilitative Facility Construction Financing Program authorized by SB 81. This legislation included \$100 million in lease-revenue bond financing for the construction of local youthful offender rehabilitative facilities.

The SB 81 Local Youthful Offender Rehabilitative Facilities Construction Financing Program Executive Steering Committee (ESC) met in a public forum in February and June 2008 to develop the components and parameters of the Request for Proposals (RFP) and the rating criteria and factors that were used to rate and rank county's proposals upon submission to the CSA.

In March 2009, the Board accepted the ESC's recommended list for proposals and provided conditional awards to the six highest ranked counties: Alameda, Stanislaus, San Luis Obispo, Monterey, Tuolumne and Shasta.

Alameda, Stanislaus, San Luis Obispo, and Tuolumne counties were fully funded. Monterey and Shasta County received only partial funding due to being "on the cusp" or at the cutoff point in available funding within their respective set-asides. Citing fiscal constraints, Monterey County

subsequently declined the funding. Shasta County accepted the conditional award partially funding their project. They were awarded full funding at the July 2009 CSA meeting. Because Monterey County declined the financing, Santa Cruz County was offered and subsequently accepted the conditional award fully funding their project.

With the above counties fully funded, approximately \$1.4 million remained to partially fund the remaining three large counties (Santa Clara, Riverside and Los Angeles), two medium counties (Merced and Monterey) and three small counties (Humboldt, Yolo and Colusa) that remained on the ranked ordered list. Each of these counties were offered the \$1.4 million, contingent upon their commitment to completing the project's full scope of work and providing the full match amount stated in their proposal. Each county declined citing fiscal constraints.

In July 2009, the Board directed the SB 81 ESC to reconvene in response to a letter from the Chief Probation Officers of California (CPOC) and a letter from Riverside Chief Probation Officer Alan Crogan. The essence of their letters was to request the support of the CSA Board in the CPOC's effort to seek legislation to fully fund the remaining eight counties who have unfunded SB 81 projects. The purpose of the ESC meeting was to facilitate a discussion, with public comment, and to develop a recommendation for the March 2010 Board Meeting to either support or not support the CPOC's request for additional funding.

In February of this year, the ESC met in a public forum in Sacramento. The committee unanimously accepted the first motion to request the CSA Board support CPOC's effort to request the Legislature to fund the SB 81 Local Youthful Offender Rehabilitative Facilities Construction Financing Program projects an additional \$300 million in lease-revenue bonds. The committee's second motion was, in the event that the Legislature authorized an additional \$300 million in lease-revenue bonds, to recommend to the CSA Board to fund the proposals from the remaining eight counties and convene an ESC to develop another RFP for additional counties to apply for any remaining funds.

At the March 2010 meeting, after considerable discussion, the Board moved to recognize the need for \$300 million in funding for juvenile programs and housing at the state and local level.

On October 19, 2010, Governor Schwarzenegger signed Assembly Bill 1628. Among its many provisions, this bill added \$200 million in lease-revenue bond financing to the Local Youthful Offender Rehabilitative Facilities Construction Financing Program.

This agenda item provided the Board the opportunity to take action on the distribution of the available \$200 million in lease-revenue bond financing.

Staff recommended that the Board fully fund the proposals from the remaining eight counties and convene an ESC to develop another RFP for additional counties to apply for the remaining funds. Staff also recommended that the unallocated \$1,473,409 be combined with the newly allocated \$200 million for a total of \$201,473,409 in lease-revenue bond financing.

Ms. McBrayer asked if the original amount requested was \$300 million and if CPOC's original recommendation was to fund the remaining eight counties as well as any other agencies.

Ms. Aboytes said yes, that the extra money was to reflect the needs that probation departments have statewide as a result of the realignment.

Secretary Cate asked why the recommendation from the ESC was not to do a new RFP for the full \$200 million in order to have everybody, including the remaining eight counties on the list, start over.

Ms. Aboytes stated that she could not speak for the ESC but that it could have been due to the expense associated with preparing a proposal.

Secretary Cate asked if there were concerns that counties could have changed circumstances.

Ms. Aboytes noted that counties would have the opportunity to withdraw their proposals.

Ms. Penner stated that there had been considerable discussion about Secretary Cate's concerns and that the circumstances and the need in the counties had not changed and the counties that had already applied should be given first consideration.

Ms. McBrayer asked about the counties mentioned that had been on the cusp and whether it was due to funding or points on their application.

Ms. Aboytes noted that each size county was only allotted a certain amount of money and as the counties in their same size group ranked above them and claimed their portion of the funds, only a small portion remained.

Chief Jerry Powers from Stanislaus County had public comment. He thanked Secretary Cate for getting his county involved with the Red Team and noted that he felt confident that progress would now be made on his county's project. He requested that the Board encourage CSA staff to work diligently with the new counties and to be flexible. He stated that SB 81 has nothing to do with AB 900 and that he was frustrated that they were receiving similar responses to questions. He stated that he is not receiving the answers needed from CSA staff to be able to move forward with his project. The answers he is receiving from CSA, as to items that can and cannot be funded, are CSA driven and not Department of Finance driven. He would like to pay for landscaping with his match funds but has been told by CSA that it is not allowed. He also stated that his county had to retain an attorney to fill out the contract and that he has been told that he can't count that as match money. He asked that the Board emphasize that this is not AB 900 and that the counties need more flexibility. He cannot request from his Board of Supervisors to use general funds to pay for landscaping when the financial situation is such that Deputy Sheriffs are being laid off.

Dr. Silbert inquired into the reasoning behind not allowing the county to claim these costs.

Ms. Aboytes stated that the prohibition of landscaping is what has always been done and that at some point a line has to be drawn and this was a way of keeping the costs at the building itself.

Secretary Cate noted that when going through the AB 900 process, the Sheriffs were getting frustrated with the same sort of issues but that there are multiple levels of people that all must

concur on these issues. The Governor created the Red Team, which is made up of all levels of decision makers in order to be an executive review, which has happened a lot. He assured the chiefs that the Red Team concept is working and that hopefully the issues will be resolved.

Dr. Silbert was troubled by the Board's lack of using its authority to make decisions to give the counties what they need. She didn't feel that the issue needed to go to the Red Team and that it could be decided amongst the Board.

Ms. Penner agreed with Dr. Silbert and asked what the mechanism would be in order to be more flexible and in order to keep facility projects moving forward.

Ms. McBrayer said that if the law doesn't state that it is not allowed then it is staff's interpretation and staff should go with what makes sense, and what is reasonable for the public good, instead of going with what has happened in the past. She believed staff should be given permission to be more flexible.

Ms. Biondi noted that the world has changed since the proposals had been submitted and that staff should be given the authority to have the flexibility to make these decisions.

Mr. Davis counseled caution and noted that conditional awards had been made along certain terms and, in effect, contracts had been made.

Secretary Cate shared Mr. Davis' concerns and noted that there will be hundreds of similar issues but that these issues should be brought to the Red Team in order to have all necessary decision-makers involved in the decision process.

Ms. Penner inquired into the mechanism that can be used to get around these types of issues in order to keep the projects moving.

Mr. Powers stated that he supports the Red Team but that there needs to be somebody that arbitrates the dispute. He asked who makes the final decision if there are differing opinions.

Secretary Cate noted that they have gone to the Board to make various changes to the regulations to make parts of the AB 900 process work and there are some issues with SB 81 that may have to go before the Board. He also stated that the members of the Red Team were appointed by the Governor and he has made it clear that they are to move as fast as they can and put up as few road blocks as possible.

Chief Deputy, Department of General Services, Stephen Amos, introduced himself to the Board as the SB 81 and AB 900 Red Team leader. Mr. Amos stated that the lease-revenue process is a very complicated process. He stated that if it is legal to be done, it is the Red Team's job to make it happen and that issues brought before it will be addressed.

Secretary Cate asked if the Board had enough information to make a decision.

Mr. Davis noted that seemingly straight forward issues can have unforeseen consequences and that in his opinion the Board does not have enough information to make a decision. He recommended the Board not make a decision.

Ms. Biondi asked for a motion that expresses the sense of the Board that they are anxious for the projects to move forward.

Ms. Penner would like to interject the Board in the Red Team and have SB 81 included in the Red Team and move issues along.

Secretary Cate noted that SB 81 is included in the Red Team. He asked if any members of the Board would prefer staff have a more conservative view. Hearing no answer, he assumed all members felt the same on this issue. He stated that if it was legal and we can do it, we want to give counties and chiefs as much discretion as we possibly can.

A motion to approve Secretary Cate's statement was made by Ms. Biondi and seconded by Dr. Silbert.

Secretary Cate was sure that staff gets the message and invited those who would like to sit in on the Red Team meetings to join in. They meet the second and fourth Thursdays in the Governor's office.

Ms. Penner asked if this addressed the problem and if this gives Mr. Powers a venue to have the opportunity to raise issues and get closure.

Mr. Amos believed so and reiterated that this is a very complicated process and that their job is to hear the issues and come up with solutions to unique problems. He stated he would be more than happy to report back to the Board in the future.

Mr. Powers noted that he was happy to know he has a process to air his grievances.

Ms. McBrayer clarified that chiefs could go to the Red Team with problems and that they could come back to the Board if resolution had not been made.

Ms. Epps asked about the amount of time it would take the Red Team to make a decision.

Secretary Cate stated that the Red Team would not let one day go by without doing something if they can. He also stated that the Red Team is there for the chiefs at the executive level for appeal and if the CSA rules are such that the Red Team cannot make that decision, an emergency CSA meeting can be called in order to address the issue.

Ms. Penner asked Mr. Amos if there were now fewer counties coming to the Red Team with problems as time goes on.

Mr. Amos stated that it continues to be a challenge and that it's not cookie cutter process but that the real key is collaboration and that it is doable.

Mr. Kernan clarified with the Board that CSA has always tried as hard as they can to support the counties and has done a wonderful job.

Ms. Penner asked Secretary Cate if there was a need for a motion or if what was being discussed was already in existence. Only in the cases where another appeal is needed should the issues come back to the Board.

Secretary Cate requested the Board hold off on taking any action and to let Mr. Powers take his issue to the Red Team.

Ms. McBrayer would like to get updates from the Red Team.

Dr. Silbert asked if an addendum could be made to any existing contracts.

Mr. Davis replied that there were no contracts in the literal sense, only proposals. He counseled caution with the group and would like the issue to be looked at critically before making decisions.

Mr. Forman, Chief Probation Officer from Shasta County, wanted to point out that Shasta County is also ready to begin construction and that landscaping is also a problem in his county. His understanding is that landscaping is not disallowed and that it was not mentioned that it could not be used and has always been a part of Shasta County's plan.

Ms. Penner asked if any of the eight counties decided they could not continue with their funding, if the money would go back into the main allotment of money.

Ms. Aboytes stated that in the past that is what has happened.

Ms. McBrayer stated that there are minimum scores for unresponsiveness on the youth sides for the applications and asked why there was no minimum score on this RFP.

Ms. Aboytes stated that there has never been a situation similar to this and that there was no drop-off score.

Ms. Biondi noted that it will probably never be done like this again.

A motion to approve the staff recommendations was made by Ms. McBrayer and seconded by Ms. Penner. The motion carried.

There was no further public comment.

PUBLIC COMMENT

(AGENDA ITEM L)

Secretary Cate asked if there was any public comment. There was none.

Next meeting: Thursday, January 13, 2010 at 1:00 p.m. in Sacramento, CA.

Meeting adjourned at 2:35 p.m.

Respectfully submitted,

Originally signed by

ROSA PARGAS
Secretary
Corrections Standards Authority

ROSTER OF PERSONS IN ATTENDANCE

CSA Board Members

Mr. Cate, Secretary, CDCR
Mr. Kernan, Undersecretary, CDCR
Ms. Silva, Administrator, Juvenile Justice, CDCR
Ms. Minor, Chief, Division of Adult Programs, CDCR
Ms. Bates, Orange County Board of Supervisors
Ms. Penner, Fresno County Probation Department
Ms. Arnold, Tuolumne County Probation Department
Mr. Ingrassia, San Diego County Sheriff's Department
Dr. Silbert, Delancey Street Foundation
Ms. Biondi, Public Member
Ms. Epps, San Bernardino County Probation
Mr. Adams, Yuba County Sheriff's Department
Mr. Crowder, Parole Agent, CDCR
Ms. Mello, Correctional Officer, CDCR
Ms. McBrayer, The Children's Initiative

CSA Staff

Debbie A. Rives, Executive Director (A)
Rosa Pargas, Secretary
Robert Takeshta, Deputy Director, CFC
Marlon Yarber, Deputy Director, CPP
Gary Wion, Deputy Director, FSO
Evonne Garner, Deputy Director (A), STC
Toni Gardner, Field Representative, FSO
Helene Zentner, Field Representative, CPP
Laurel Alvarez, Field Representative, STC
Charlene Aboytes, Field Representative, CFC
Allison Ganter, Field Representative, FSO